

29, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1199a, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill seeks to supply a defect in our venue laws, so that a suit for breach of warranty of title to lands may be brought in any county where any one of several vendors reside, and to join all others in the same suit.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

On motion of Senator Frank.

Senate bill No 1, with committee substitute, (the reformatory bill) was made the special order for next Monday after morning call, and from day to day till disposed of.

Senate bill No. 22.

"An act to provide for the regulation of railroad freight and passenger tariff in this State, to prevent unjust discrimination and extortion in the rates charged for transportation of passengers and freight, and to prohibit railroad companies, corporations and lessees in this State from charging any other than just and reasonable rates, and to punish the same and prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint commissioners and to prescribe their powers and duties in relation to the same" was taken up as special order and read second time with committee (favorably reported) substitute as follows:

A bill to be entitled:

"An act to provide for the regulation of railroad freight and passenger tariffs in this State; to prevent unjust discrimination and extortion in the rates charged for transportation of passengers and freights, and to prohibit railroad companies, corporations and lessees in this State from charging any other than just and reasonable rates, and to punish the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint commissioners, and to prescribe their powers and duties in relation to the same.

On motion of Senator Upshaw,  
The substitute was adopted.

SENATOR TERRELL

Moved to lay the bill on the table, subject to call.

Lost by the following vote:

YEAS—10.

Bell,	Harrison,
Burney,	Houston,
Calhoun,	McDonald,
Davis,	Terrell,
Field.	Woodward.

NAYS—16.

Abercrombie,	Gregg,
Allen.	Jarvis,
Armistead,	Knittle,
Camp,	Lane.
Claiborne,	MacManus,
Douglass of G,	Stinson,
Frank,	Upshaw,
Glassecock,	Woods.

ABSENT—2.

Burges,	Pope.
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SENATOR TERRELL

Moved to amend by striking out the enacting clause.

SENATOR CLAIBORNE

Made an extended argument against the amendment, and in favor of the bill as substituted.

SENATOR BURNEY

Made a lengthy speech in favor of the amendment, and against the bill, as also did Senator Terrell.

(Senator Camp in the chair.)

SENATOR ALLEN

Spoke at some length in opposition to the amendment, and in support of the bill.

(Lieutenant Governor Wheeler in the chair.)

On motion of Senator Gregg,

The Senate adjourned till 10 o'clock to-morrow morning.

### THIRTY-FOURTH DAY.

SENATE CHAMBER. }

AUSTIN, February 18, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain Dr. Smoot.

On motion of Senator Woodward,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Woods,  
Senator Garrison was excused for to-  
day, on account of sickness.

On motion of Senator Abercrombie,  
Senator Claiborne was excused for  
to-day, on account of sickness.

#### PETITIONS AND MEMORIALS.

BY SENATOR MACMANUS:

Petition of citizens of La Salle county,  
asking a sufficient appropriation for  
the maintenance of the Frontier Ba-  
talion.

Referred to Committee on Military  
Affairs.

BY SENATOR GLASSCOCK:

Petition of citizens of Williamson  
county protesting against the creation  
of the new county of Willie.

Referred to Committee on Counties  
and County Boundaries.

And,

Petition of citizens residing in the  
proposed new county of Willie, pro-  
testing against the creation of the  
said new county of Willie.

Referred to Committee on Counties  
and County Boundaries.

BY SENATOR HOUSTON:

Petitions of citizens of Williamson  
county praying for the creation of the  
new county of Willie.

Referred to Committee on Counties  
and County Boundaries.

BY SENATOR ABERCROMBIE,

By request:

Memorial of Judge Gustave Cook.

Referred to Committee on Federal  
Relations.

BY SENATOR WOODS:

Petition of Colored Teachers' Insti-  
tute of Lavaca county, urging passage  
of bill providing for county superin-  
tendents for public schools.

Referred to Committee on Education.

#### REPORTS OF STANDING COM- MITTEES.

BY SENATOR FRANK:

COMMITTEE ROOM. }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the  
Senate:

Sir—Your Committee on Penitentia-

ries, to whom was referred Senate bill  
No. 197, entitled:

"An act to amend section 3 of 'an  
act to provide for the more efficient  
management of Texas penitentiaries,  
and to make an appropriation there-  
for,' approved April 18, 1883," have had  
the same under consideration, and a  
majority of said committee instruct me  
to report it back to the Senate with  
the recommendation that it do not  
pass.

The bill seeks to limit the number of  
convicts employed on any one farm,  
or confined in any one camp, to not  
less than fifty nor more than one hun-  
dred, and prohibits convict camps be-  
ing established nearer together than  
twenty miles.

All of which is respectfully submit-  
ted.

FRANK, acting chairman.

Bill read first time.

SENATOR FIELD

Gave notice of intention to file minor-  
ity (favorable) report on this bill.

BY SENATOR FRANK:

COMMITTEE ROOM. }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the  
Senate:

Sir—Your Committee on Engrossed  
Bills have carefully examined Senate  
bill No. 155, entitled:

"An act to amend Article 2219, of  
chapter 2, title 38, of the Revised  
Civil Statutes of the State of Texas,  
on the subject of taking depositions  
of witnesses in civil cases," and find  
the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM. }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the  
Senate.

Sir—Your Committee on Engrossed  
Bills have carefully examined and  
compared Senate bill No. 77 being,

"An act to provide for the sale of  
such appropriated public lands, situ-  
ated in the organized counties of the  
State of Texas, as contain not more  
than six hundred and forty acres," and  
find the same correctly engrossed.

FRANK, chairman.

COMMITTEE ROOM. }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the  
Senate:

Sir—Your Committee on Engrossed

Bills, have carefully examined and compared Senate bill No. 134, being

"An act to amend Article 568, title 20, chapter 2, of an act to adopt and establish the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR JARVIS:

COMMITTEE ROOM, }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance, to whom was referred Senate bill No. 61, entitled:

"An act creating boards of equilization for cities and towns and defining their duties," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass, for the reason that the purposes sought to be accomplished by the bill are provided for by Article 441 of the Revised Civil Statutes.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance, to whom was referred Senate bill No. 215, entitled:

"An act to amend Article 2399, chapter 3, title 42, of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Finance Committee, to whom was referred Senate bill No. 216, entitled:

"An act to amend chapter 31, of the acts of the Eighteenth Legislature, approved March 3, 1883," have had the same under consideration, and instruct me to report it back to the Senate

with the recommendation that it do pass, with the following amendments:

Amend sections 1 and 2 by adding in both sections after the words "county judge," the words "or other person who writes down the testimony."

Amend section 4 by striking out "ten dollars" and inserting "five dollars."

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance, to whom was referred Senate bill No. 236, entitled:

"An act to make more available the investment of the permanent school fund by loaning same to new railways to be constructed in Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Finance, to whom was referred Senate concurrent resolution, making an appropriation for the purchase of books for the Supreme Court, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass, for the reason that the objects expressed in the resolution have been provided for in the general appropriation bill already reported back to the Senate.

All of which is respectfully submitted.

JARVIS, chairman.

BY SENATOR HARRISON:

COMMITTEE ROOM, }

AUSTIN, February 17, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on State Affairs, to whom was referred Senate bill No. 206, entitled:

"An act to authorize Wm. M. Wilson to sue the State of Texas, in the

county of Travis, for the sum \$8785.15, and interest, and to appropriate such sums of money as may be recovered by said Wilson, against the State," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying committee substitute do pass.

All of which is respectfully submitted.

CAMP, chairman.

Bill read first time with committee substitute.

COMMITTEE ROOM, }  
AUSTIN, February 17, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on State Affairs, to whom was referred Senate bill No. 213, entitled:

"An act to license railroad engineers and conductors," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

CAMP, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, TEXAS, February 17, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on State Affairs to whom was referred Senate joint resolution No. 15, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

CAMP, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 17, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on State Affairs, to whom was referred Senate bill No. 101, entitled:

"An act to create houses of refuge, and to provide for the support and maintenance of the same," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it

be referred to Committee on Penitentiaries.

All of which is respectfully submitted.

CAMP, chairman.

Bill read first time.

## BILLS AND RESOLUTIONS.

BY SENATOR WOODS:

Concurrent resolution requesting appointment of a committee to investigate the reasons or causes why the State is behind in paying the several counties of the State the public school fund apportioned to them, and suggest a remedy against a recurrence of such a state of affairs.

Adopted.

The President appointed, under said resolution, on the part of the Senate, Senators Woods, Davis and Lane.

BY SENATOR DOUGLASS OF JEFFERSON:

An act to amend an act passed by the regular session of the Nineteenth Legislature, entitled:

"An act to amend section 9 of act to redistrict the State into judicial districts, etc."

Referred to Judiciary Committee No. 1.

The bill changes the times of holding district courts in the ninth judicial district.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, February 18, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—I am instructed by the House to inform the Senate that the House has passed the following bill:

House bill No. 304.

"An act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the Legislature herein named.

WILL LAMBERT, chief clerk,  
House of Representatives.

The President referred the bill to the Committee on Public Lands.

The Senate resumed consideration of Substitute Senate bill No. 22.

"An act to provide for the regulation of railroad freight and passenger tariffs in this State; to prevent unjust discrimination and extortion in the rates charged for transportation of

passengers and freight, and to prohibit railroad companies, corporations and lessees in this State from charging any other than just and reasonable rates, and to punish the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and to appoint commissioners, and to prescribe their powers and duties in relation to the same," which was pending with amendment to strike out the enacting clause on yesterday at adjournment.

SENATOR TERRELL

Withdrew his amendment to strike out the enacting clause.

On motion of Senator McDonald,

It was agreed to consider the bill section by section.

The following message was received from the House:

HOUSE OF REPRESENTATIVES. }  
AUSTIN, February 18, 1887 }

*Hon T. B. Wheeler, President of the Senate:*

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House joint resolution No. 18.

"Joint resolution to amend section 11, of Article 7, of the Constitution of the State of Texas."

Substitute House bill No. 78.

"An act to prevent the gift, sale or loaning of pistols, or other deadly weapons to minors, and fixing a penalty therefor."

House bill No. 82:

"An act to amend Article 44, 80, of the Revised Statutes of the State of Texas."

House bill No. 94:

"An act to amend Article 4227, chapter 10, title 84 of the Revised Civil Statutes of the State of Texas."

House bill No. 96.

"An act to amend Article 951, title 24 of the Revised Statutes of the State of Texas."

Respectfully,

WILL LAMBERT,  
Chief Clerk House of Representatives.

THE PRESIDENT

Referred House joint resolution No. 18 to Committee on Constitutional Amendments,

And

Substitute House bill No. 78, to Judiciary Committee No. 2,

And

House bill No. 82, to Judiciary Committee No. 1,

And

House bill No. 94, to Judiciary Committee No. 1.

And

House bill No. 96, to Judiciary Committee No. 1.

SENATOR ALLEN

Offered the following amendment:

Amend section 1 by striking out all after "office," in line 6, page 2, and insert as follows: "And should any commissioner be found guilty, or become guilty of anything inhibited to him in this section, he shall be promptly removed from office by the Governor."

SENATOR ALLEN

Spoke in support of his amendment.

SENATOR ARMISTEAD

Opposed it.

The amendment was lost.

SENATOR GREGG

Offered the following amendment:

Amend section 1, line 13, by striking out word "meeting," and inserting in lieu thereof the words "regular session."

SENATOR GREGG

Explained his amendment, and it was Adopted.

SENATOR HARRISON

Moved to amend section 1, line 7, by striking out "\$3,500," and inserting "\$4,000."

Senators Harrison and Glascock spoke in favor of this amendment, and it was adopted by the following vote:

YEAS—14.

Abercrombie,	Glascock,
Armistead,	Gregg,
Bell,	Harrison,
Burney,	Lane,
Calhoun,	McDonald,
Douglass of J,	MacManus,
Frank,	Pope,

NAYS—11.

Allen,	Knittle,
Burges,	Stinson,
Davis,	Upshaw,
Field,	Woods,
Houster,	Woodward.
Jarvis,	

ABSENT—3.

Camp, Terrell.  
Douglass of G,

SENATOR ALLEN

Offered the following amendment:

Amend section 1, by striking out the sentence beginning with the word "any" in line 8, page 1, and ending with "Legislature" line 10.

SENATOR ALLEN

Spoke in favor of his amendment.

SENATORS POPE AND UPSHAW

Spoke in opposition to it, and the amendment was withdrawn.

SENATOR WOODWARD

Moved to strike out the word "and" in line 4, page 1, and insert after the word "business" in line 5, the words "and one of experience in commercial affairs."

SENATOR WOODWARD

Spoke in favor of the amendment.

Senators Gregg, McDonald, Burges and Upshaw opposed the amendment, and it was lost by the following vote:

YEAS—1.

Woodward.

NAYS—23.

Abercrombie,	Gregg,
Allen,	Harrison,
Armistead,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Davis,	MacManus,
Douglass of J,	Pope,
Field,	Upshaw,
Frank,	Woods.
Glasscock,	

ABSENT—4.

Camp, Stinson,  
Douglass of G, Terrell.

SENATOR FRANK

Moved to amend as follows:

Said commissioners shall each, before entering upon the discharge of his duties, execute bond in the sum of \$50,000, with five or more good and sufficient sureties, payable to the State of Texas, and to be approved by the Governor, for the faithful performance of his duties under the pro-

visions of this act. Said commissioners shall be responsible upon their bonds for damages to any person or corporation who may be damaged or injured by the acts of said commissioners, and in such instances where damages or injuries are sustained, suits may be brought upon such bonds in any county where such injuries or damages were perpetrated.

Senators Frank and Burges spoke in support of the amendment.

Senators Armistead, MacManus, Upshaw, Houston and Pope opposed the amendment, and it was lost by the following vote:

YEAS—10.

Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Davis,	Terrell,
Frank,	Woodward.

NAYS—17.

Abercrombie,	Harrison,
Allen,	Houston,
Armistead,	McDonald,
Bell,	MacManus,
Douglass of J,	Pope,
Douglass of G,	Stinson,
Field,	Upshaw,
Glasscock,	Woods.
Gregg,	

ABSENT—1.

Camp.

SENATOR GLASSCOCK

Offered the following amendment to section 1:

Strike out in section 1, page 2, all after the word "way" in line 7, and insert the following words: "or refuse or fail to legally and fairly discharge the duties required of him under this act, he shall immediately resign, and should he fail to resign, it shall be the duty of the Governor to remove him from office."

SENATOR GLASSCOCK

Favored the amendment in a speech, but it was lost by the following vote:

YEAS—11.

Abercrombie,	Douglass of G,
Allen,	Field,
Armistead,	Glasscock.
Burney,	Knittle,
Calhoun,	Woods.
Davis,	

NAYS—15.

Bell,	Frank,
Burges,	Gregg,
Douglass of J,	Harrison.

Houston,  
Jarvis,  
Lane,  
McDonald,  
MacManus,

Pope,  
Terrell,  
Upshaw,  
Woodward.

Camp, ABSENT—2.  
Stinson.

## SENATOR GREGG

Moved to amend section 2, line 3, by inserting between words "clerk" and "not," the words "at a salary of."  
Adopted.

## SENATOR POPE

Moved to amend by making the salary of the clerk \$1500.  
Adopted.

## SENATOR ALLEN

Moved to strike out the word "only," in line 6.

Lost by the following vote:

## YEAS—12.

Allen,	Knittle,
Burges,	Lane,
Calhoun,	Pope,
Glasscock,	Terrell,
Gregg,	Upshaw,
Houston,	Woods.

## NAYS—14.

Abercrombie,	Field,
Armistead,	Frank,
Bell,	Harrison,
Burney,	Jarvis,
Davis,	McDonald,
Douglass of J.	MacManus,
Douglass of G,	Woodward.

Camp, ABSENT—2.  
Stinson.

(Senator Houston in the chair.)

## SENATOR LANE

Offered the following amendment:

Amend section 3 by striking out the words "fair and reasonable," in line 7, insert the word "legal;" and insert in line 7, after the word "rate," the words "as fixed by law."

## SENATOR LANE

Spoke in favor of the amendment.

(Senator Pope, President pro tem., in the chair.)

## SENATOR ARMISTEAD

Opposed the amendment, and

## SENATOR TERRELL

Spoke in favor of it.

## SENATOR HOUSTON.

Arising to a question of personal privilege, said:

Mr. President: I desire to rise to a question of personal privilege. In to-day's Austin Statesman I find the following:

"Complaint is made that in the report of Mr. Nelson's testimony in the Willis investigation, a material point is omitted. It is claimed that where Mr. Nelson spoke of the Panhandle Association having given a bonus of \$3000 to Mr. Woodman, a district attorney, he also said that after Mr. Houston had left the office he demanded and received the sum of \$600 from the company for the same character of service. The Statesman has no interest in this matter, does not want to injure any one, and certainly will not favor one side to the detriment of the other. Plain and simple justice is all that is supposed to be asked on either side, and plain and simple justice the Statesman will always accord."

Presumably the reason for excluding the matter yesterday was its total irrelevancy. But it seems that some one entertaining an animus insists that the testimony must go to the world, and it is incumbent upon me to notice it, if not upon my own account, for the sake of the body of which I am a member, for I hope, in common with my thirty compeers, I have "that chastity of honor which feels a stain like a wound."

The facts were these: When for reasons needless to name, I had resigned my office of district attorney of the Frontier district there were certain cases still pending on the criminal docket, which persons injured desired I should continue to prosecute. I had prepared the indictments and procured the testimony. At that time my resignation had taken effect and my successor had qualified. I was on the same plane as any other attorney and the most fastidious will not claim that my acceptance of the fee was violative of professional ethics.

I will not stand in this high presence and bend my privileges to the abuse of any man, but I here say that anything contrary to these words is utterly, unspeakably and abominably false, and he who feels wronged may right himself how and when he chooses. Less than this I should not speak, more than this I could not say.

## SENATOR FIELD

Sent up the following minority report on Senate bill No. 197:

COMMITTEE ROOM, }  
AUSTIN, February 17, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

The undersigned minority of your Committee on Penitentiaries, to whom was referred Senate bill No. 197, dissenting from the views of a large majority of your committee, beg leave to submit this, my minority report:

The object of the bill is to prevent the concentration of large numbers of convicts in any one locality in the State. I believe that the citizen who pays his taxes and obeys the laws is entitled to the protection of the laws. That large numbers of convicts should not be concentrated in the vicinity of towns, and in the most populous sections of the State. That such policy on the part of the State is to be condemned, in that it destroys the legitimate trade of towns, endangers the lives and property of citizens and debases public morals by liberating in populous sections numbers of hardened criminals, many of whom remain in the county after being liberated. If it be the policy of the State to continue to work the convicts outside the walls of the penitentiaries, against the protest of the Democratic party, and a large number of the citizens of the State, then I protest against Robertson county being compelled to assume the burden, incur the risk and bear the disgrace of having so large and unjust a proportion of the convicts confined within its boundaries.

Respectfully submitted.

FIELD, for minority.

On motion of Senator Burges,

The Senate adjourned until 10 o'clock to morrow morning.

## THIRTY-FIFTH DAY.

SENATE CHAMBER. }  
AUSTIN, February 19, 1887. }  
The Senate met pursuant to adjournment.  
Lieut.-Governor Wheeler in the chair.  
Roll called.  
Quorum present.  
Prayer by the House Chaplain, Dr. Mitchell.

On motion of Senator Gregg,  
The reading of the Journal of yesterday was dispensed with.

On motion of Senator Woods,  
Senator Garrison was excused for the day, on account of sickness.

On motion of Senator Calhoun,  
Senator Camp was excused from yesterday till Monday, on account of important business.

On motion of Senator Houston,  
Senator Terrell was excused indefinitely on account of important business.

On motion of Senator Gregg,  
Senator Davis was excused till Monday on account of important business.

On motion of Senator Harrison,  
Senator Stinson was excused indefinitely.

## PETITIONS AND MEMORIALS.

BY SENATOR MACMANUS:

Petition of John D. Bernard and eleven other citizens of Nueces county against the restoration of the civil and criminal jurisdiction of the county court of Nueces county.

Referred to Judiciary Committee No. 1.

And

Petition of Perry Doddridge, three county commissioners and fifty-nine citizens and taxpayers of Nueces county against the restoration of the civil and criminal jurisdiction of the county court of Nueces.

Referred to Judiciary Committee No. 1.

BY SENATOR GLASSCOCK:

Petition of citizens residing within the bounds of the proposed new county of Willie, protesting against the creation of Willie county.

Referred to Committee on Counties and County Boundaries.

And

Petition of citizens of Williamson county against the creation of the county of Willie.

Referred to Committee on Counties and County Boundaries.

BY SENATOR HOUSTON:

The following proceedings and resolutions of a mass meeting, which was ordered printed in the Journal:

## MASS MEETING.

A large number of the citizens of Bartlett and vicinity, of Bell and Williamson counties, who live within